

REMARKS

Claims 1 through 20 are pending in this application. Claims 7 and 19 are amended in several particulars for purposes of clarity in accordance with current Office policy, to assist the examiner and to expedite compact prosecution of this application. The Applicant appreciates the Examiner's indication of allowance of claims 5 and 17, and the allowability of claims 7-9, 19, and 20.

A. Claim Rejections under 35 USC § 102

1. Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Bunte et al (US 6,034,379). The Applicant respectfully traverses.

The Examiner stated that in Bunte, the barcode reader 1815 is (see figure 19a) inputting a display data into the display 1883 via a display driver 1885. However, in claim 1 of the present invention, it is a "display data channel of the monitor" that is input into the computer. The present invention is testing the monitor, while Bunte is displaying the barcode reader data on the display which is different.

The examiner mentioned that a valid read of the scanner is checked for. In claim 1, for instance it states that the "determining whether or not the result of inputting the display data channel is correct." Specifically, it is the display data channel that is determined, and not just the general input of barcode reader.

No claim is anticipated under 35 U.S.C. §102 (b) unless all of the elements are found in exactly the same situation and united in the same way in a single prior art reference. Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.*, “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and MPEP 2143.03. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Therefore, since all of the elements are not disclosed in as complete detail as is contained in the patent claim, claims 1 and 12 are not anticipated.

B. Claims Rejections under 35 USC § 103

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness under 35 U.S.C. §103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references

when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

1. Claims 1,3,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddard et al (US 3,665,454) in view of Metlitsky et al (US 5,545,886). The Applicant respectfully traverses.

a. Claims 1 and 12

First of all, none of the cases are analogous to the present invention. Stoddard concerns the providing of display information in the form of a variable rate display generator. Metlitsky, concerns a bar code reader only. The present invention, on the other hand deals with the testing of monitor as the display data channel is analyzed.

Further, the combination does not teach or suggest all of the claim elements. The combination does not teach or suggest the inputting of the display data channel of *a monitor into a computer*. Stoddard is a variable rate display generator for a display apparatus. As seen in claim 1 of Stoddard, mentions the function generator coupled to the signal providing means.

The combination does not teach or suggest that the outputted voltage signal is switched at a different time according to a result of inputting the display data channel.

b. Claims 3 and 14

The examiner stated that as to claims 3 and 14, Metlitsky et al teaches a handheld scanner 35 (figure 5). 4. There must a motivation for combine the references. The showing must be “clear and particular” without broad generalized conclusory statements. *In re Dembiczak*, 50 USPQ.2d 1614 (Fed. Cir. 1999). There must be specific statements showing the scope of the suggestion, teaching, or motivation to combine the prior art references. *Id.* The examiner, instead only mentions that the scanner of Metlitsky can be combined with the computer of Stoddard because the computer communicates with various input devices. This is a general motivation, and is not specific.

2. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddard et al in view of Metlitsky et al as applied to claim 1 above, and further in view of Cruickshank et al (US 5,109,503). The Applicant respectfully traverses.

The examiner stated that as to claims 4 and 15, Stoddard et al and Metlitsky et al teach all of the claimed limitations of claim 1, except for the controller for the controlling and determining

includes a programmable logic controller. However, Cruickshank et al teaches a programmable logic controller (PLC) 37 and input device 35 which combine into a personal computer (figure 2, col. 4, lines 58-60). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate additional PLC 75 taught by Cruickshank et al for the computer of Stoddard et al's and Metlitsky et al's system because PLC 37 and input device 35 might take the form of various operator interface devices for simply inputting user parameters and counter configuration selection (col. 4, lines 63-66 of Cruickshank et al).

As to claims 4 and 15, the examiner stated that, Cruickshank et al teaches a programmable logic controller (PLC) 37 and input device 35 which combine into a personal computer (figure 2, col. 4, lines 58-60). Further, the examiner stated that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate additional PLC 75 taught by Cruickshank et al for the computer of Stoddard et al's and Metlitsky et al's system because PLC 37 and input device 35 might take the form of various operator interface devices for simply inputting user parameters and counter configuration selection (col. 4, lines 63-66 of Cruickshank et al).

It is impermissible within the framework of 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau* 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); See also *In re Mercer*, 515 F.2d 1161, 1165-1166, 185 USPQ 774, 778 (CCPA 1975). The showing must be "clear and particular" without broad generalized conclusory statements. *In re Dembiczak*, 50 USPQ.2d 1614 (Fed. Cir. 1999). There

must be specific statements showing the scope of the suggestion, teaching, or motivation to combine the prior art references. *Id.* Respectfully, taking the form of various operator interface devices for simply inputting - user parameters and counter configuration selection is broad and general and not motivation to use a PLC.

Furthermore, Cruickshank is not analogous to the present invention. The present invention deals with testing a monitor using the display data channel while Cruickshank involves high speed counters using PLC, processors or other interface devices.

3. Claims 2, 6, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddard et al in view of Metlitsky et al as applied to claims 1 and 12 above, and further in view of Keiji (US 5,115,227). The Applicant respectfully traverses.

As to claims 2, 6, 13 and 18, the Examiner seems to assert that the proposed combination of Stoddard et al and Metlitsky et al teach all of the claimed limitation of claims 1 and 12, except for a switch to select one of the mouse and the scanner. However, Keiji teaches the switch 43 to select one of the mouse 48 and the scanner 49 (see fig. 5). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional computer mouse taught by Keiji in the apparatus of Stoddard et al's and Metlitsky et al's system because this would allow a user to utilize the mouse to control a cursor to select a cursor faster. 6.

The examiner stated that Keiji teaches the switch 43 to select one of the mouse 48 and the scanner 49 (see fig. 5) and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional computer mouse taught by Keiji in the apparatus of Stoddard et al and Metlitsky et al's system because this would allow a user to utilize the mouse to control a cursor to select a cursor faster. Respectfully, however, as mentioned in MPEP 706.02(j), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In Stoddard et al, I/O devices in general are mentioned only as an interfacing unit for the user, but nothing further is taught or suggested. A cursor or equivalent is not mentioned in Stoddard et al and Metlitsky et al for Keiji to manipulate instead of with a keyboard but with a mouse. As seen in the claims of Stoddard et al, nothing is shown in techniques that requires a mouse in Stoddard et al; consequently, this proposed combination is untenable and the rejection can not be maintained under 35 U.S.C. §103(a).

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddard et al in view of Metlitsky et al, and further in view of Kelly (US 5,065,360). The Applicant respectfully traverses.

The Examiner stated that in Stoddard et al in view of Metlitsky, there is a display data channel D1, and D2. However, the display data channel *of the monitor* is not input into a computer

as in the presently claimed invention. Instead in Stoddard, a display generator disclosed. The structure of a monitor being tested as used in claim 10, is not taught or suggested in the combination.

The examiner mentioned that in Metlitsky, the microprocessor 20 detects a correction data signal.. However, in claim 10 of the present invention, for instance it states that the “determining whether or not the result of inputting the display data channel is correct.” Specifically, it is the display data channel is determined and not just the general input of barcode reader.

Further, the examiner stated that Kelly teaches a relay switches 70 and 72 connecting in parallel to a data wire for inputting and outputting to destination computer (see figure 7A and 7B). The examiner stated that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional relay switches 70 and 72 taught by Kelly for contacting the input device of Stoddard et al and Metlitsky et al system because this would provide complete isolation of elements 28-38 from any transient voltage conditions when the elements are bypassed as shown in Fig. 7B (col. 11, lines 12-14 of Kelly).

However, as seen in claims 10 and 11, the relay switch is used to input said display data channel to the monitor. It is not clear how providing isolation of elements of any transient voltage would motivate one to the switches 70 and 72 to input the display data channel or to have the PLC magnetize the relay.

Furthermore, the combination does not teach or suggest the relay switch being in parallel connection to a contact point for inputting the display data channel as mentioned in claim 10. Further, the combination does not teach or suggest the controller turning on the relay switch at a predetermined time to input the display data channel into the monitor.

5. Claims 2, 6, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al (U.S. Patent 6,034,379) in view of Keiji (U.S. Patent 5,115,227).

The Applicant respectfully traverses.

The examiner stated that Keiji teaches the switch 43 to select one of the mouse 48 and the scanner 49 (see fig. 5) and that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional computer mouse taught by Keiji in the apparatus of Bunte et al's system because this would allow a user to utilize the mouse to control a cursor to select a cursor faster. Respectfully, however, as mentioned in MPEP 706.02(j), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In Bunte, a keyboard is mentioned only as an interfacing unit for the user, but nothing further is taught or suggested. A cursor or equivalent is not mentioned in Bunte for Keiji to manipulate instead of with a keyboard but with a mouse. As seen in the claims of Bunte, nothing is shown in techniques that requires a mouse in Bunte.

6. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al in view of Cruiskshank et al. The Applicant respectfully traverses.

As to claims 4 and 15, the examiner stated that, Cruickshank et al teaches a programmable logic controller (PLC) 37 and input device 35 which combine into a personal computer (figure 2, col. 4, lines 58-60). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate additional PLC 75 taught by Cruickshank et al for the computer of Bunte et al's system because PLC 37 and input device 35 might take the form of various operator interface devices for simply inputting - user parameters and counter configuration selection (col. 4, lines 63-66 of Cruickshank et al).

It is impermissible within the framework of 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *In re Wesslau* 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); See also *In re Mercer*, 515 F.2d 1161, 1165-1166, 185 USPQ 774, 778 (CCPA 1975). The showing must be "clear and particular" without broad generalized conclusory statements. *In re Dembiczak*, 50 USPQ.2d 1614 (Fed. Cir. 1999). There must be specific statements showing the scope of the suggestion, teaching, or motivation to combine the prior art references. *Id.* Respectfully, taking the form of various operator interface devices for simply inputting - user parameters and counter configuration selection is broad and general and not motivation to use a PLC.

Furthermore, Cruickshank is not analogous to the present invention. The present invention

deals with testing a monitor using the display data channel while Cruickshank involves high speed counters using PLC, processors or other interface devices.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al in view of Cruickshank et al as applied to claims 15 and 12 above, and further in view of Kelly. The Applicant respectfully traverses.

As to claim 16, the examiner stated that Kelly teaches a relay switches 70 and 72 connecting in parallel to a data wire for inputting and outputting to destination computer (see figure 7A and 7B). The examiner stated that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional relay switches 70 and 72 taught by Kelly for contacting the input device of Bunte et al's and Cruickshank et al's system because this would provide complete isolation of elements 28-38 from any transient voltage conditions when the elements are bypassed as shown in Fig. 7B (col. 11, lines 12-14 of Kelly).

However, as seen in claim 16, the relay switch is used to input said display data channel to the monitor. It is not clear how providing isolation of elements of any transient voltage would motivate one to the switches 70 and 72 to input the display data channel or to have the PLC magnetize the relay.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte et al in view of Kelly. The Applicant respectfully traverses.

The Examiner stated that in Bunte, the barcode reader 1815 is (see figure 19a) inputting a display data into the display 1883 via a display driver 1885. However, in claim 10 of the present invention, it is a “display data channel of the monitor” that is input into the computer. The present invention is testing the monitor, while Bunte is displaying the barcode reader data on the display which is different.

The examiner mentioned that the a valid read of the scanner is checked for. In claim 10, for instance it states that the “determining whether or not the result of inputting the display data channel is correct.” Specifically, it is the display data channel is determined and not just the general input of barcode reader.

Further, the examiner stated that Kelly teaches a relay switches 70 and 72 connecting in parallel to a data wire for inputting and outputting to destination computer (see figure 7A and 7B). The examiner stated that it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the additional relay switches 70 and 72 taught by Kelly for contacting the input device of Bunte et al's and Cruiskshank et al's system because this would

provide complete isolation of elements 28-38 from any transient voltage conditions when the elements are bypassed as shown in Fig. 7B (col. 11, lines 12-14 of Kelly).

However, as seen in claims 10 and 11, the relay switch is used to input said display data channel to the monitor. It is not clear how providing isolation of elements of any transient voltage would motivate one to the switches 70 and 72 to input the display data channel or to have the PLC magnetize the relay.

Furthermore, the combination does not teach or suggest the relay switch being in parallel connection to a contact point for inputting the display data channel as mentioned in claim 10. Further, the combination does not teach or suggest the controller turning on the relay switch at a predetermined time to input the display data channel into the monitor.

C. Allowed and allowable claims.

The Examiner stated that Claims 7-9, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant appreciates the indication of allowability. Following the advice of the Examiner, the objected to claims 7-9, 19 and 20 have been rewritten in independent form including all of the limitations of the base claim and any

intervening claims.

The Applicant appreciates the Examiner's indication of the allowance of Claims 5 and 17.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of \$168.00 is incurred by the addition of two (2) independent claims in excess of 5. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Please amend claims 7 and 19, as follows:

1 7. (Twice Amended) An apparatus [as claimed in claim 1], comprising:
2 an inputting device inputting a display data channel of a monitor into a computer;
3 a driving device driving the inputting device with a predetermined electric signal;
4 an interfacing section indicating whether the display data channel of the monitor is inputted
5 into the computer and outputting the same voltage signal as an initial signal, the outputted voltage
6 signal is switched at a different time according to a result of inputting the display data channel; and
7 a controller for controlling the driving device by generating the predetermined electric signal,
8 for analyzing the output signal from the interfacing section, and for determining whether or not the
9 result of inputting the display data channel is correct,

10 wherein after the display data channel is inputted into the computer and the interfacing
11 section outputs a high frequency signal, the controller determines that the display data channel is
12 normally inputted into the computer if the interfacing section outputs the same signal as the initial
13 signal at a first time, and after the interfacing section continues to output the high frequency signal
14 for a predetermined times after the first time, the controller determines that the display data channel
15 is abnormally inputted into the computer if the interfacing section outputs the same signal as the

16 initial signal at a second time.

1 19. (Amended) A method [as claimed in claim 12], comprising:
2 inputting a display data channel to a monitor by an inputting device;
3 driving said inputting device with a predetermined electric signal by a driving device;
4 indicating whether said display data channel of said monitor is inputted into said computer
5 and outputting a signal according to a result of said inputting by an interfacing section;
6 controlling said driving device by generating said predetermined electric signal;
7 analyzing said output signal from said interfacing section; and
8 determining whether said result of said inputting said display data channel is correct,
9 with said determining step determines that said display data channel is normally input into
10 said computer if said interfacing section outputs a same high frequency signal as originally input as
11 said predetermined electric signal at a first time; and
12 said determining step determines that said display data channel is abnormally input into said
13 computer after said interfacing section continues to output said high frequency signal at a second
14 time.